

AMENDED IN SENATE AUGUST 19, 2009

AMENDED IN SENATE AUGUST 17, 2009

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AMENDED IN SENATE JULY 1, 2009

AMENDED IN SENATE JUNE 17, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1052

Introduced by Assembly Member Caballero

February 27, 2009

An act to amend Section ~~7360~~ 7361 of, to amend, renumber, and add Section 7362 of, to add Section 7364 to, and to repeal ~~Section~~ *Sections* 7360 and 7363 of, the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, as amended, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license. Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in

the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

~~This bill would delete that repeal, and, instead, make the stamp or validation requirement inoperative as of January 1, 2013. Under the bill the stamp or validation would not be required from January 1, 2010, to January 1, 2012, inclusive repeal the requirement to obtain a Bay-Delta Sport Fishing Enhancement Stamp or validation. The bill would continue indefinitely the Bay-Delta Sport Fishing Enhancement Stamp Advisory Committee, and would require the department to implement various provisions related to expenditures from the account. The bill would require the department, in consultation with the advisory committee, to develop a grant program, as prescribed. The department would be required to post on its Internet Web site projects undertaken with funds from the account.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 7360 of the Fish and Game Code is~~
2 ~~amended to read:~~
3 ~~7360. (a) A person shall not sport fish in the tidal waters of~~
4 ~~the San Francisco Bay Delta and the main stem of the Sacramento~~
5 ~~and San Joaquin Rivers, including major tributaries, below the~~
6 ~~most downstream dam, unless he or she first obtains, in addition~~
7 ~~to a valid California sport fishing license and any applicable stamp~~
8 ~~or validation issued pursuant to Section 7149 or 7149.05, a~~
9 ~~Bay-Delta Sport Fishing Enhancement Stamp or validation and~~
10 ~~affixes that stamp or validation to his or her valid California sport~~
11 ~~fishing license. Any person issued a sport fishing license pursuant~~
12 ~~to paragraph (4) or (5) of subdivision (a) of Section 7149 or~~
13 ~~paragraph (4) or (5) of subdivision (a) of Section 7149.05 is not~~
14 ~~subject to this division.~~
15 ~~(b) The commission may modify, by regulation, the geographic~~
16 ~~parameters specified in subdivision (a).~~

1 ~~(e) The department or an authorized license agent shall issue a~~
2 ~~Bay-Delta Sport Fishing Enhancement Stamp or validation upon~~
3 ~~payment of a base fee of five dollars (\$5), in the 2004 license year,~~
4 ~~which shall be adjusted annually thereafter pursuant to Section~~
5 ~~713, except that, notwithstanding subdivision (a), the Bay-Delta~~
6 ~~Sport Fishing Enhancement Stamp or validation shall not be~~
7 ~~required and the fee shall not be charged from January 1, 2010, to~~
8 ~~January 1, 2012, inclusive.~~

9 ~~(d) This section is inoperative on and after January 1, 2013.~~

10 *SECTION 1. Section 7360 of the Fish and Game Code is*
11 *repealed.*

12 ~~7360. (a) A person shall not sport fish in the tidal waters of~~
13 ~~the San Francisco Bay Delta and the main stem of the Sacramento~~
14 ~~and San Joaquin Rivers, including major tributaries, below the~~
15 ~~most downstream dam, unless he or she first obtains, in addition~~
16 ~~to a valid California sport fishing license and any applicable stamp~~
17 ~~or validation issued pursuant to Section 7149 or 7149.05, a~~
18 ~~Bay-Delta Sport Fishing Enhancement Stamp or validation and~~
19 ~~affixes that stamp or validation to his or her valid California sport~~
20 ~~fishing license. Any person issued a sport fishing license pursuant~~
21 ~~to paragraph (4) or (5) of subdivision (a) of Section 7149 or~~
22 ~~paragraph (4) or (5) of subdivision (a) of Section 7149.05 is not~~
23 ~~subject to this division.~~

24 ~~(b) The commission may modify, by regulation, the geographic~~
25 ~~parameters specified in subdivision (a).~~

26 ~~(c) The department or an authorized license agent shall issue a~~
27 ~~Bay-Delta Sport Fishing Enhancement Stamp or validation upon~~
28 ~~payment of a base fee of five dollars (\$5), in the 2004 license year,~~
29 ~~which shall be adjusted annually thereafter pursuant to Section~~
30 ~~713.~~

31 *SEC. 2. Section 7361 of the Fish and Game Code is amended*
32 *to read:*

33 ~~7361. (a) Fees received by the department pursuant to Section~~
34 ~~7360 from the sale of the Bay-Delta Sport Fishing Enhancement~~
35 ~~Stamp or validation shall be deposited in a separate account in the~~
36 ~~Fish and Game Preservation Fund. The Bay-Delta Sport Fishing~~
37 ~~Enhancement Stamp or validation shall not be required, and no~~
38 ~~fee shall be collected, as of January 1, 2010.~~

39 ~~(b) The department shall expend the funds in that account for~~
40 ~~the long-term, sustainable benefit of the primary Bay-Delta sport~~

1 fisheries, including, but not limited to, striped bass, sturgeon, black
2 bass, halibut, salmon, surf perch, steelhead trout, and American
3 shad. Funds shall be expended to benefit sport fish populations,
4 sport fishing opportunities, and anglers within the ~~geographic~~
5 ~~parameters established in Section 7360~~ *tidal waters of the San*
6 *Francisco Bay Delta and the main stem of the Sacramento and*
7 *San Joaquin Rivers, including major tributaries, below the most*
8 *downstream dam*, and consistent with the requirements of the
9 federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et
10 seq.) and the California Endangered Species Act (Chapter 1.5
11 (commencing with Section 2050) of Division 3 3), the ecosystem
12 restoration component of the CALFED Programmatic Record of
13 Decision dated August 28, 2000, and applicable commission
14 policies.

15 (c) It is the intent of the Legislature that these funds be used to
16 augment, not replace, funding that would otherwise be allocated
17 to Bay-Delta sport fisheries from the sale of fishing licenses, the
18 California Bay-Delta Authority, or other federal, state, or local
19 funding sources.

20 ~~SEC. 2.~~

21 *SEC. 3.* Section 7362 of the Fish and Game Code, as amended
22 by Section 1 of Chapter 637 of the Statutes of 2008, is amended
23 and renumbered to read:

24 7363. (a) The director shall appoint a Bay-Delta Sport Fishing
25 Enhancement Stamp Fund Advisory Committee, consisting of nine
26 members. The committee members shall be selected from names
27 of persons submitted by anglers and associations representing
28 Bay-Delta anglers of this state and shall serve at the discretion of
29 the director for terms of not more than four years. The director
30 shall appoint persons to the committee who possess experience in
31 subjects with specific value to the committee and shall attempt to
32 balance the perspective of different anglers.

33 (b) The advisory committee shall recommend to the department
34 projects and budgets for the expenditure of ~~revenue received~~
35 ~~pursuant to Section 7360~~ *the funds from the account established*
36 *in Section 7361*. The department shall give full consideration to
37 the committee's recommendations.

38 (c) The department shall submit to the advisory committee and
39 the Chief Clerk of the Assembly and the Secretary of the Senate
40 for distribution to the appropriate fiscal and policy committees of

1 the Legislature, at least annually, on or before January 10 of each
2 year, an accounting of funds derived from the Bay-Delta Sport
3 Fishing Enhancement Stamps and validations, including the number
4 of stamps and validations sold, funds generated and expended, and
5 administrative expenditures, and the status of programs funded
6 pursuant to this article. In addition, the department shall report, at
7 least annually, to the committee on the status of projects undertaken
8 with funds from that stamp or validation, including reporting the
9 department's reasoning in cases where committee recommendations
10 are not followed.

11 (d) The department shall post on its Internet Web site projects
12 undertaken with funds from the account established in Section
13 7361. At a minimum, the Internet Web site shall list the project
14 title, applicant, a brief description of the project, the amount
15 approved, and the project's status.

16 ~~SEC. 3.~~

17 *SEC. 4.* Section 7362 is added to the Fish and Game Code, to
18 read:

19 7362. (a) The department, in consultation with the advisory
20 committee created pursuant to Section 7363, shall develop a grant
21 program to support activities consistent with Section 7361.

22 (b) The department, in consultation with the advisory committee,
23 shall develop priority areas for funding under the grant program.
24 The department shall give the advisory committee an opportunity
25 to review any draft public solicitation notice before that notice is
26 finalized and released to the public.

27 (c) The advisory committee shall assist the department in
28 providing outreach to encourage wide participation in the grant
29 program.

30 (d) The department shall provide the advisory committee a copy
31 of all grant applications. The advisory committee shall have a
32 minimum of 30 days to review projects and provide
33 recommendations to the department.

34 ~~SEC. 4.~~

35 *SEC. 5.* Section 7363 of the Fish and Game Code is repealed.

36 ~~SEC. 5.~~

37 *SEC. 6.* Section 7364 is added to the Fish and Game Code, to
38 read:

39 7364. (a) The department shall do all of the following:

1 (1) In consultation with the advisory committee, develop a
2 spending plan that focuses on identifying and funding viable
3 projects and monitoring revenues to assist the department in
4 effectively expending available stamp revenues in a manner
5 consistent with the purposes described in Section 7361. The
6 spending plan shall be completed by January 31, 2010. Upon
7 completion, a copy of the spending plan shall be provided to the
8 Legislature.

9 (2) Track and report the costs of projects funded pursuant to
10 this article by doing both of the following:

11 (A) Improve the tracking of individual project expenditures by
12 assigning a separate account to each project within the department's
13 accounting system.

14 (B) Require a project manager to approve all expenditures
15 directly related to the manager's projects, periodically reconcile
16 records for each project with accounting records, and report
17 expenditures to staff responsible for preparing advisory committee
18 reports.

19 (3) Reimburse the department's general fund appropriation for
20 any lease payment charged to the department's general fund
21 appropriation on or before January 1, 2010, that was eligible to be
22 paid from the account established in Section 7361.

23 (4) Ensure that employees of the department appropriately
24 charge their time to projects funded pursuant to this article by
25 providing guidelines to employees concerning when to charge
26 activities to the account established in Section 7361.

27 (b) The department shall not charge payroll costs to the account
28 established in Section 7361 for employee activities that are not
29 related to the implementation of this article. The department shall
30 determine whether any other expenditure has been inappropriately
31 charged to the account established in Section 7361 and shall make
32 all necessary accounting adjustments.